

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THEODORE LEE OHMER, JR.,

Plaintiff,

v.

Case Number 11-12980

Honorable David M. Lawson

Magistrate Judge Charles E. Binder

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AFFIRMING DECISION
OF THE COMMISSIONER, AND DISMISSING COMPLAINT**

Presently before the Court is the report issued on May 1, 2012 by Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the defendant's motion for summary judgment, deny the plaintiff's motion for summary judgment, and affirm the findings of the Commissioner. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that Magistrate Judge Charles E. Binder's report and recommendation [dkt. # 11] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt. #10] is **GRANTED**.

It is further **ORDERED** that the plaintiffs' motion for summary judgment [dkt. #9] is **DENIED**.

It is further **ORDERED** that the findings of the Commissioner are **AFFIRMED**.

It is further **ORDERED** the plaintiff's complaint [dkt. #1] is **DISMISSED**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: May 23, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 23, 2012.

s/Deborah R. Tofil

DEBORAH R. TOFIL